

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.

COUNSELLORS AT LAW

CHARLES C. CARELLA
BRENDAN T. BYRNE
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

JAMES D. CECCHI (1933-1995)
JOHN G. GILFILLAN III (1936-2008)
ELLIOT M. OLSTEIN (1939-2014)

JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
CARL R. WOODWARD, III
MELISSA E. FLAX
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD

BRIAN H. FENLON
LINDSEY H. TAYLOR
CAROLINE F. BARTLETT

**5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com**

PETER G. STEWART
FRANCIS C. HAND
AVRAM S. EULE
CHRISTOPHER H. WESTRICK*
JAMES A. O'BRIEN III**

OF COUNSEL

*CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY
**MEMBER NY AND MA BARS ONLY

RAYMOND J. LILLIE
WILLIAM SQUIRE
STEPHEN R. DANEK
DONALD A. ECKLUND
MEGAN A. NATALE
ZACHARY S. BOWER+
MICHAEL CROSS
CHRISTOPHER J. BUGGY
JOHN V. KELLY III
MICHAEL A. INNES

+MEMBER FL BAR ONLY

May 30, 2018

VIA ECF

Honorable Susan D. Wigenton
United States District Court
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: *Zimmer Durom Hip Cup Products Liability Litigation*,
2:09-cv-04414 (DFW)(SCM) (MDL 2158)**

Dear Judge Wigenton,

This firm, along with Seeger Weiss LLP, serves as Plaintiffs' Co-Liaison Counsel in the above referenced litigation. We submit this letter in response to the recent applications for the distribution of common benefit fees and in furtherance of our prior letter (ECF No. 973) respectfully seeking the Court's appointment to develop and administer a uniform and coherent common benefit application process to compensate Plaintiffs' attorneys for costs borne and work performed for the common benefit of all plaintiffs and their counsel.

As noted in our prior letter, Plaintiffs' Co-Liaison Counsel have experience establishing processes for the orderly and fair submission and review of applications for distributions of common benefit funds. In other cases, we have successfully implemented distribution and allocation processes that were transparent, fair, and open to all those counsel who performed work for the benefit of all claimants. If appointed in this case, we will strive to do the same. Our first step will be to establish a process with clear guidelines and instructions for all counsel who wish to seek common benefit funds. In our prior appointments, we have found such a process helpful in providing clear expectations and reducing conflict and piecemeal applications as have started in this case. Indeed, absent a clear and orderly process, individual applications submitted to the Court by all of the various

May 30, 2018

Page 2

Plaintiffs' attorneys will create needless conflict, delay, and disorder. Prior to implementation, we will submit our proposed process, along with a general overview of the reasoning for the proposal, to the Court for Your Honor's review and approval. If acceptable to the Court, we will provide the application protocol along with guidelines and instructions to all counsel.

For all of the foregoing reasons, Plaintiffs' Co-Liaison respectfully request that the Court appoint them to establish an orderly and efficient process equitably allocating the common benefit fund.

Thank you for your continued attention to this matter. Of course, if the Court has any questions, we are available at your convenience.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.

/s/ James E. Cecchi

JAMES E. CECCHI

SEEGER WEISS LLP

/s/ Christopher A. Seeger

CHRISTOPHER A. SEEGER

cc: All Counsel of Record (via ECF)

#653336v1